# T-Any

## 1NC Long

#### Interpretation: the aff must defend that all kind of speech may not be restricted. In the context of a negative clause, “any” has a categorical meaning.

Cambridge Dictionary, no date, "Any," English Grammar Today, http://dictionary.cambridge.org/us/grammar/british-grammar/quantifiers/any#any\_\_4

Not any and no. Any doesn’t have a negative meaning on its own. It must be used with a negative word to mean the same as no. Compare not any/no There aren’t any biscuits left. They’ve eaten them all./There are no biscuits left. They’ve eaten them all. I’m selling my computer because I haven’t got any space for it. Not: … because I’ve got any space for it/I’m selling my computer because I’ve got no space for it. There weren’t any technical problems. The singer had a sore throat so they cancelled the concert.Not: There were any technical problems./ There were no technical problems. The singer had a sore throat so they cancelled the concert.

#### Multiple courts confirm defined “any” means “every” or “all”

David S. Elder 91, Member of the Michigan Bar, Columnist for the Michigan Bar Journal, 10-1991, " 'Any and All': To Use Or Not To Use?," Michigan Bar Association, http://www.michbar.org/file/generalinfo/plainenglish/pdfs/91\_oct.pdf

One final example. In Karl v Bryant Air Conditioning Co, 416 Mich 558; 331 NW2d 456 (1982), the Michigan Supreme Court was asked by the United States Court of Appeals for the Sixth Circuit to certify three questions of law. Among the issues was whether the legislature intended that MCL 600.2949; MSA 27A.2949 (comparative negligence statute) apply to products liability actions sounding in implied warranty. ¶ "Section 2949. (1) In all products liability actions .... the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery by the plaintiff or the plaintiff's legal representatives, but damages sustained by the plaintiff shall be diminished in proportion to the amount of negligence attributed to the plaintiff" (Emphasis in opinion.) "Section 2945. As used in sections 2946 to 2949 and section 5805, 'products liability action' means an action based on any legal or equitable theory of liability brought for or on account of death or injury to person or property caused by or resulting from the manufacture, construction design, formula, development of standards, preparation, processing, assembly, inspection, testing, listing, certifying, warning, instructing, marketing, advertising, packaging, or labeling of a product or a component of a product." (Emphasis in opinion.) ¶ In both these statutes the legislature chose not to use "any and all," but one or the other, to describe product liability actions. ¶ The Court stated: ¶ "In §2949, the operative language is 'all products liability actions.' This language is defined in §2945 as follows: "'products liability action" means an action based on any legal or equitable theory of liability.' It is difficult to imagine any language more all-inclusive." Karl at 568. ¶ And the Court held: ¶ "We believe that the Legislature's use of the words 'all' and 'any' require, without further interpretative inquiry, the construction that comparative negligence applies to all and any products liability actions, including those sounding in implied warranty." Karl at 569. (Emphasis in original.) ¶ Thus, the Court, in its certified answer to the Sixth Circuit, concluded that "all" meant "any." One word was enough. Suppose that both statutes in Karl had used "all," or both had used "any." Any difference? It's hard to imagine why there would be. ¶ Other state courts have defined "any" as synonymous with "every" and "all." For instance, in Donohue v Zoning Board of Appeals, 235 A2d 643 (Conn, 1967), the court said the word "any" has a diversity of meanings and may be employed to indicate "all" or "every" as well as "some" or "one." The list of cases using this definition of "any" is exhaustive and may be found in 3A Words and Phrases (1991 Cum Supp), pp 23-27. ¶ If all these authorities tell us that "any and all" is normally redundant, then why not substitute "any" or "all" as the context requires? See Figure 1. This is one little symbolic step that lawyers can take in reducing the doublets and triplets that continue to plague legal writing.

#### It’s also common usage: if you told a child “not to eat any candy today” and they ate some M&Ms, they disobeyed you: your statement isn’t affirmed by only staying away from Skittles: to meet the text of the topic, you need to affirm the whole thing.

#### Violation: the plan ends and prevents restrictions on any kind of speech

#### Standards:

#### 1. Semantic Correctness: my interp is the most accurate – A. it demonstrates the concurrence of multiple definitions which proves a consensus and body of understanding and B. it’s more specific to the negative contexts like the resolution which use a “not… any” phrasing. C. it’s the concurrence of common usage and legal meaning.

#### Semantics are a constraint on all other offense:

#### A. Lexical Priority: beneficial outcomes don’t change truth – holding a gun to your head can’t make you believe 2+2=5.

#### B. Jurisdiction: the ballot asks you who won in the context of a topic prescribed by tournament rules, which creates a constitiutive obligation to affirm the topic. Since this is a question about what this topic means rather that the fairness of an aff, disclosure or topic lit are irrelevant: T sets a vision of the topic. Their offense proves that the topic itself *could be better* not what it means.

#### C. Pragmatics: even if other voters comes first, this is the biggest link into them: the statement of the topic is the only thing we have access to – it makes the topic accessible to everyone and enables predictable, reciprocal prep – we prep for topics and tournaments, not every single debater, which means that even if affs are conceptually fair in the abstract, unless their tied to the actual topic that frames our prep, the aff is at an advantage

#### 2. Limits: most speech is constitiutionally protected speech but thousands of speech codes existnow – their interp justifies affs that don’t criticize anything controversial and avoid linking to generics which makes it impossible to be neg – find a ridiculous speech code implemented somewhere completely random and you have an unbeatable aff. Outweighs uniquely on this topic: even if I know what’s coming, neg positions are limited in the lit – it’s easy to pick subset plans and really hard to write case negs to them, ESPECIALLY since even if I can read links, their ev will always be more specific.

#### Controls the internal link to advocacy skills – this means the aff never needs to defend their position against well-researched arguments and is incentivized to avoid the good arguments instead of engaging them

#### Topical version solves – read the same offense and discuss the same issues with a different plan text.

## Semantics Frontlines

### Meta-Weighing: Specificity, Common Usage

#### There will be a lot of weighing arguments distributed around the flow next to any random argument they think they’re winning, but you should remember that they haven’t told you how to compare these floating arguments. I’ll do that here.

#### A. Specificity comes before all weighing arguments since it controls whether those arguments matter at all: you use weighing arguments to resolve competing claims, but if one statement is just an exception to the other, then there isn’t a conflict that you need those standards to resolve. Their more general card is right but my specific card tells you what’s true for the topic.

#### B. Use common usage to decide what the text means:

#### 1. all the claims they make about language are communicated with language filtered through our understanding of those terms: common usage is the ultimate standard of how we understand meaning.

#### 2. It’s the only standard that accesses my pragmatic offense: we predict based on how we understand the topic, not how they understand it.

### AT SCOTUS/10th Circuit Cinterp

#### 1. The topic already does limit “any,” which meets the threshold – it limits it to public colleges and universities – the question is whether you can limit it more.

#### 2. The phrase in their decision was “convincted in any court,” which is a positive construction – that admits of more flexibility in its meaning – my interp about negative construction outweighs on specificity.

#### 3. SCOTUS interp of “any” meant “any domestic context,” which still supports my argument that it’s not not “any subset you like” – it’s a broad range, not a single subcategorty.

#### 4. This only mattered to the court because of another canon of statutory interpretation, Congressional intent – it’s not a text claim.

Michelle Schuld 7, graduated from University of Akron, B.A., 2000 Akron University Law School, J.D., 2007, is now employed by Black McCuskey Souers & Arbaugh, "Statutory Misinterpretations: Small v. United States Darkens the Already Murky Waters of Statutory Interpretation," Akron Law Review: Vol. 40: Iss. 4, Article 5. (2007) http://ideaexchange.uakron.edu/akronlawreview/vol40/iss4/5

1. Majority The United States Supreme Court held in a five to three decision104 that the phrase “convicted in any court” applied only to domestic and not foreign convictions.105 The Court reasoned that the word “any” as used in § 922(g)(1) should not be given the broad scope for which the United States had argued.106 In considering the scope of the phrase, the Court pointed out that Congress ordinarily intends its statutes to have domestic rather than foreign application.107

#### Congress’s intent isn’t relevant here because the point is to fiat a certain intent, and my text first arguments mean no analogous restrictions are can take priority.

#### Also, if they win their interp is textual, that just means it’s a possible interp – between if I win mine is fairer and more educational, then we’d still prefer it – this is a NIB for me.

### AT Cambridge Any = Some Cinterp

#### This is woefully mishighlighted: it says the opposite of what they think it does. In the lined down text, the card says it says that “any” means “some” within the negative clause: it means “not some,” which is “none” – they must defend that there are NO legitimate restrictions on speech.

### AT Parametric Conception/Res = Outer Bound

#### 1. The ballot gives us roles with reference to the resolution. Five dictionaries[[1]](#footnote-1) define affirm as to prove true, which means that the aff hasn’t met their burden by proving a subset true unless that also proves the whole rez true, which my shell denies that you do. Thus, it’s outside the judge’s jurisdiction to vote aff on it [This is is why plan-focus works in policy: proving that the US should do something specific that engages China does prove that they should increase economic engagement. The qualifier “any” means that this isn’t a legitimate topic of spec here – policy norms won’t save you]

#### 2. Has absurd consequences: the null set is a subset of every set, which means the aff gets to defend the status quo on every topic even when the text of the topic prescribes changes.

#### 3. Doesn’t solve my offense: there are thousands of public college campuses in the U.S., tons of different kinds of speech. Means that it’s unpredictable and undebatable – the aff gets to frontline and find specific ev on their aff and delink generic disads. The parametric interp denies that.

### AT Rebar/Grammar K

#### 1. Nothing in my argument requires believing there’s only one dialect of English that debate should use or prioritize – semantic correctness of your interp with regard to any kind of spoken English is sufficient to meet my threshold and then we’d just debate which is more fair or educational

#### 2. You need to win a link to access offense – without a culture that would understand this phrase differently, there isn’t anything I’m excluding

#### 

## Theoretical Frontlines

### AT Reasonability/Evaluate My Aff

#### 1. This is a bad paradigm because it’s not how we prep: extend that we need to prepare for all positions, not just any single person’s, which makes it impossible to do the research need to take advantage of the ground that theoretically exists for me against all these plans – I’m always at a disadvantage even if in the abstract their plan would fair because I have to prep relative to the topic.

#### 2. Extend semantics outweigh – this just means that their plan would make a good topic, not that it is the topic.

### AT Side Bias

#### Side bias really isn’t that large – it’s 53-47 which doesn’t justify any of this: under their interp, the aff is in a position to read different affs that simply don’t have good answers – that makes it significantly harder to be neg since you don’t have access to the arguments that you need to win rounds and they can always access a specificity advantage: that would massively flip side bias.

### AT Generic Ks Check

#### It is not a defense of your aff if the only thing that we can read in response is generic Ks that link into “free speech”

#### 1. It’s not true – “government shouldn’t restrict this kind of speech” doesn’t necessarily rely on a broader principle of free speech, which means it’s not clear that I could get link into them

#### 2. You will always have more specific evidence and interaction on your aff, so it’s still a major disadvantage for the neg

#### 3. It’s educationally bad if that’s the only thing we can do – debate teaches us to approach problems and consider them from a bunch of different perspectives – if we can’t bring specific policy agremeents, we miss out on that whole range of educational arguments.

#### 4. It’s educationally bad for the aff – cross apply the advocacy skills argument – just defending against one category that’s necessarily generic doesn’t teach you to do research and get into the weeds of whether your aff is a good idea.

### AT Infinite PICs

#### 1. Entirely irrelevant – if PICs are bad, then read and win “PICs bad” or some topical version of it – my interp doesn’t require that PICs be legitimate neg options. This justifies every aff practice as a preemptive response to 10 condo counterplans and a priori spreads, which makes debate terrible and would make it impossible to be neg.

#### 2. Turn: their aff is functionally a PIC – it chooses to defend only a single, arbitrarily small kind of speech and forces the debate down to that – if PICs are bad, then this kind of is too. It’s also worse for the neg than a PIC is for the aff: the aff gets generic spillover claims about speech restrictions and precedent which check back, but I need links to specific args like hate speech that they can get rid of.

#### 3. Turn: you incentivize PICs – it’s the only option to engage because people don’t have prep on the position. Only my interp makes it possible for you to have a legitimate case against PICs

[if relevant]

#### 4. All their arguments suggest PICs wouldn’t be a fairness problem because they’d be disclosed and in the topic lit – BUT can’t solve my T-specific offense like semantics, so there’s only ever a reason to vote neg here.

### AT Disclosure

#### This only makes sense if you’re arrogant enough to think every debater is thinking about you all the time. Multiple parts of the shell preempt this –

#### 1. Extend that T is a question about what the topic means, not whether single affs are fair in the abstract: disclosure doesn’t affect whether your aff is within the topic wording.

#### 2. Extend that I don’t just have to prep for your disclosed plan (or four plans), I have to prep for everyone’s set of plans, which makes it impossible to do the research need to take advantage of the ground that theoretically exists for me against all these plans – I’m always at a disadvantage

#### 3. Extend that their interp encourages debaters to pick obscure plans and plans that dodge the limited set of positions I can go for – obviously not every issue has equally good arguments on both sides: it’s not the case

### AT Stale Debate

#### 1. Turn: debates on each plan gets stale really quickly – there just isn’t that much neg literature on any specific one of them, and the aff has an incentive to make it that way because that lets them stack the deck in their favor.

#### 2. Turn: Debates on the same issue enable argument refinement: the arguments get better and require more frontlines and weighing as the topic progesses. That means they’re not the same and teach us advocacy skills: we learn to make our arguments more persuasively and respond to better objections in more depth.

#### 3. Just because the advocacy is the same doesn’t mean the aff is – you can write an aff with framing that emphasizes particular actors, short or long effects or the ends and means of action – different frameworks and roels of the ballot lead to entirely different round.

#### 4. If you think these debates are stale you’re just not researching enough – people spend their LIVES analyzing free speech issues and policy: there’s more than enough there to sustain five months of high school debate.

### AT Position = Educational

#### 1. Turn: advocacy skills – preparation enables detailed discussions of weighing, argument interaction and engagement. Process education outweighs content knowledge: these particular issues are unlikely to be the ones that are most relevant: it’s more important to have debate teach us how to think and advocate than to teach us \*one extra thing\*.

#### 2. Turn: without prep to engage the dozens of possible plans, our education is going to be very superficial at best – it’ll just trick us into thinking we know more than we do, which leads to overconfidence.

### AT “It’s TOC”

#### [Rant] Yes! It’s TOC and your aff is still unfair and outside the limits of the topic! You had 5 months to write and frontline a topical aff and be brave enough to engage with core issues in the topic lit rather than evading them. This is a topic with an incredibly clear topical meaning and you chose to evade it rather than taking the time to do more than write T frontlines.

#### Also, extend the argument in the limits standard – the problem with this topic is that people generally like free speech but have a couple of specific objections – for example, hate speech, revenge porn – that I need to be able to win links. It doesn’t matter if I know it’s coming if the aff is still unfair.

# T-Bare Plural [AT College Spec]

## 1NC

#### Interpretation: the aff may not specify a subset of public colleges and universities to affirm in. They must defend that all public colleges and universities ought not restrict any constitutionally protected speech.

#### A. Zero article before a plural count noun indicates a generic statement, not a specific one.

Richard Nordquist [Ph.D. in English, is professor emeritus of rhetoric and English at Armstrong Atlantic State University and the author of two grammar and composition textbooks for college freshmen, Writing Exercises (Macmillan) and Passages: A Writer's Guide (St. Martin's Press). Richard has served as the About.com Guide to Grammar & Composition since 2006.], “zero article” about.com < http://grammar.about.com/od/tz/g/zeroarticleterm.htm>

The loosest and therefore most frequent type of generic statement is that expressed by the zero article with plural count nouns or with mass nouns: Kangaroos are common in Australia. Wine is one of this country's major exports. Zero article with plural count nouns may have generic or indefinite reference according to the predication: Frogs have long hind legs. (generic = all frogs) He catches frogs. (indefinite = an indefinite number of frogs) A mass noun with zero article can be considered generic even if it is modified: Colombian coffee is said to be the best. (Angela Downing, English Grammar. Routledge, 2006)

#### B. “In” means “throughout.”

Words and Phrases 59, p. 5 46 (PDNS3566) 1959.

as In the Act of 1861 providing that justices of the peace shall have jurisdiction “in” their respective counties to hear and determine all complaints, the word “in” should be construed to mean “throughout” such counties. Reynolds v. Larkin, 14, p. 114, 117, 10 Colo. 126.

#### Violation:

#### Standards:

#### 1. Semantics: A. my definition is the most precise – it accounts for multiple features of the phrasing, the plurality and lack of an article, which makes my definition more specific. B. I account for multiple parts of the resolution’s phrasing, the actor and the word “in” which means my definitions are more consistent. Semantics are a constraint on all other offense:

#### A. Lexical Priority: beneficial outcomes don’t change truth – holding a gun to your head can’t make you believe 2+2=5.

#### B. Jurisdiction: the ballot asks you who won in the context of a topic prescribed by tournament rules, which creates a constitiutive obligation to affirm the topic. Since this is a question about what this topic means rather that the fairness of an aff, disclosure or topic lit are irrelevant: T sets a vision of the topic. Their offense proves that the topic itself *could be better* not what it means.

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#### 2. Limits: They massively underlimit – there are thousands of public colleges and universities that they can each pick and prep, but the neg needs to be ready for all. They have an incentive to find something obscure where my disads apply least.

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# T-Content-Based [AT FSZ Plan]

## Strategic Note

#### Yes, this might be a little overbroad because it says that FSZs ARE NOT T rather than that hate speech is ALSO T, but I think that’s the main reason to have a separate shell – you don’t get into the T-Any debate.

#### It’s possible someone reading this aff doesn’t have a cinterp for this particular shell (though by now I doubt it) so you can read semantics first in the 2NR if they fumble it.

## CX Question

#### Does the aff permit restrictions on hate speech?

Sets up the second violation if they say it does (which seems like the strategic value of this aff)

## 1NC

#### Interpretation: the aff must defend a prohibition on content-based regulations on speech. Restrictions prohibit the advocacy of particular doctrines, not locations – those are regulations.

Robert S. Taylor 12, professor of political science at the UC Davis, "Hate Speech, The Priority Of Liberty, And The Temptations Of Nonideal Theory," Ethical Theory And Moral Practice Vol. 15, No. 3 (June 2012), Pp. 353-368, https://www.jstor.org/stable/23254294?seq=1#page\_scan\_tab\_contents

Following Rawls and others, I distinguish between the "regulation" and the "restriction" of basic liberties like free speech. "The priority of these liberties," Rawls says, "is not infringed when they are merely regulated—as they must be—in order to be combined into one scheme as well as adapted to certain social conditions necessary for their enduring exercise" (Rawls 1993, 295). For instance, so-called "time, place, and manner" rules (e.g., scheduling speakers at a public forum on a "first-come, first-served" basis) usually qualify as regulations of speech, as they are merely intended to make communication mutually consistent or to protect the "central range of application" of other basic liberties. On the other hand, prohibitions on the advocacy of particular scientific or political doctrines count as restrictions of speech because they limit its content and thereby place at risk a core liberal value associated with open expression: intellectual autonomy achieved by way of the free exercise of public reason (Rawls 1993, 296; Kant 1996). Certain narrow limitations on the content of speech (e.g., bans on "fighting words," such as racial epithets used confrontationally) could be defended as regulations rather than restrictions, on the grounds that they do not threaten the free exercise of public reason and may protect the central range of application of other basic liberties (e.g., bodily security), but limitations on hate speech as 1 defined it above are prima facie restrictions, because they strike at the heart of such free exercise, which depends crucially on open access to all available arguments regarding scientific and political matters.2

#### Violation:

#### 1. the aff prohibits limits on speech to particular locations – that prohibits regulation, not restriction.

#### 2. CX proves hate speech doesn’t link to the aff: the Taylor ev says those are restrictions, which indicates that they don’t defend a prohibition on *any* restrictions since they permit *some*.

#### Standards:

#### 1. Hate speech is the core controversy – it’s the central justification for speech codes that violate the first amendment.

Welch 14, Benjamin, MA in Journalism and Mass Communications,"An Examination of University Speech Codes’ Constitutionality and Their Impact on High-Level Discourse" (2014). Theses from the College of Journalism and Mass Communications. Paper 40. http://digitalcommons.unl.edu/journalismdiss/40

Chapter Two – THE ARGUMENT IN FAVOR OF SPEECH CODES The majority of university speech codes today contain a similar theme: the prevention of “hate speech.” Hate speech traditionally is defined as verbal attacks that target people on the basis of their immutable or deeply ingrained characteristics, or any form of “speech attacks based on race, ethnicity, religion, and sexual orientation or preference.”34 Hate speech, which has never ultimately been upheld as legal under the First Amendment (minus provisions on incitement)35, is, of course, not to be confused with hate crimes. Hate crime legislation imposes a penalty enhancement in the instance a victim is selected because of his or her “race, religion, color, disability, sexual orientation, national origin or ancestry,”36 though the legality, efficacy and morality of such impositions are a discussion all of their own. Essentially, a person can legally eject a racist tirade, but cannot attack another on the basis of race or a smattering of other qualities. A convicted suspect may, for instance, receive a higher penalty for a crime committed against another while uttering epithets regarding that person’s physical or mental makeup. Perhaps surprisingly, the United States is virtually alone among Western democracies in abstaining from holding or enforcing laws prohibiting hate speech.37 For example, German law punishes expression that incites racial hatred,38 and the Canadian Supreme Court has upheld prohibitions on hate speech directed against groups who have faced “historical and social prejudice.”39 Historically, there have been only five cases under which the U.S. courts are willing to restrict speech: obscenity; libel; time, place and manner regulations; the clear and present danger test;40 and fighting words.41 Hate speech is closely connected to the Supreme Court’s category of fighting words – those expressions that by their very nature are likely to bring people to blows – but the two are not completely analogous. Under the 1969 Supreme Court case Brandenburg v. Ohio, direct incitement imminent of lawless action or speech likely to do so was found unconstitutional rather than mere advocacy of violence.42

#### Impacts:

#### A. Topic Lit: since this is the theme, it has the deepest body of literature. For a long topic like Jan/Feb it’s better to access a deep lit base – keeps the topic fresh and motivates research without massively expanding the number of new affs that don’t get discussed.

#### B. Real World Education: It would be genuinely absurd to tell someone outside debate we discussed speech restrictions on college campuses and didn’t discuss hate speech. The real world focuses on speaker cancellations, protests and events based on content – teaching debaters without discussing it leads to debates that have no real world value and debaters who are entirely miseducated.

#### C. Neg Ground: this is THE central justification in the lit for those policies – excluding it means I don’t get access to the arguments that are made against speech codes – “speech hurts” is the only real neg arg. Ground key to fairness – I need to be able to make arguments to win.

#### 2. Prefer definitions that preserve Rawlsian distinctions – they access the best range of supporting literature in a range of fields.

Richard Jacobs [OSA, PhD Professor Department of Public Administration @ Villanova] “RAWLS' THEORY OF JUSTICE” (date unknown – before 2013; that’s the last update to his site) http://www83.homepage.villanova.edu/richard.jacobs/MPA%208300/theories/rawls.html

A contemporary philosopher, John Rawls (1921-2002), is noted for his contributions to political and moral philosophy. In particular, Rawls' discussion about justice introduced five important concepts into discourse, including: the two principles of justice, the “original position” and “veil of ignorance,” reflective equilibrium, overlapping consensus, and public reason. What is interesting about these five contributions is how Rawls’ speculative thought has been used by scholars across disciplinary lines, influencing such diverse academic disciplines as economics, law, political science, sociology, and theology.

#### That means my interp accesses much broader educational claims – we can bring in and be consistent with literature from a range of fields.

## Frontlines

### AT Contextual Counterdefinitions

#### 1. Reject these definitions – this model eviscerates T as a check on untopical affs because you have to do all the research before you can figure out if the aff is topical – the whole point is to make debate manageable and limited.

#### 2. Intent to define outweighs – my evidence clearly tries to define these terms, which means you should prefer it:

#### A. people use terms haphazardly all the time – accepting them all would make the topic incoherent and incredibly large since you just need to find some authors somewhere who support your interp.

#### B. clear delineations set a standard we can use to judge other affs – their interp doesn’t so it doesn’t let us know what counts.

### AT FSZs = Unconstitutional

#### Just because something is unconstitutional doesn’t mean it’s T: schools can violate freedom of religion, freedom of assembly and the right to carry guns but that doesn’t make those issues into topical affs.

#### My definition just says this issue is is an unconstitutional regulation of speech not an unconstitutional restriction

# T-Hate Speech

## 1NC Shell

#### Interpretation: the aff must defend that the their actor may not regulate hate speech. Hate speech is constitutionally protected.

Volokh 15 Eugene Volokh, Gary T. Schwartz Professor of Law at the UCLA School of Law. , No, There’s No “hate Speech” Exception to the First Amendment, The Washington Post, 5/7/15, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/> //[LADI](http://www.theladi.org/evidence)

I keep hearing about a supposed “hate speech” exception to the First Amendment, or statements such as, “This isn’t free speech, it’s hate speech,” or “When does free speech stop and hate speech begin?” But there is no hate speech exception to the First Amendment. Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn capitalism or Socialism or Democrats or Republicans. To be sure, there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with “hate speech” in any conventionally used sense of the term. For instance, there is an exception for “fighting words” — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. But this exception isn’t limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. Indeed, when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional (R.A.V. v. City of St. Paul (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo’s [Tweet](https://twitter.com/ChrisCuomo/status/595934009764487168) that “hate speech is excluded from protection,” and his later claims that by “hate speech” he means “fighting words,” the fighting words exception is not generally labeled a “hate speech” exception, and isn’t coextensive with any established definition of “hate speech” that I know of.)

#### Violation: they exclude hate speech.

#### Standards:

#### 1. hate speech is the core controversy – it’s the central justification for speech codes that violate the first amendment.

Welch 14, Benjamin, MA in Journalism and Mass Communications,"An Examination of University Speech Codes’ Constitutionality and Their Impact on High-Level Discourse" (2014). Theses from the College of Journalism and Mass Communications. Paper 40. http://digitalcommons.unl.edu/journalismdiss/40

Chapter Two – THE ARGUMENT IN FAVOR OF SPEECH CODES The majority of university speech codes today contain a similar theme: the prevention of “hate speech.” Hate speech traditionally is defined as verbal attacks that target people on the basis of their immutable or deeply ingrained characteristics, or any form of “speech attacks based on race, ethnicity, religion, and sexual orientation or preference.”34 Hate speech, which has never ultimately been upheld as legal under the First Amendment (minus provisions on incitement)35, is, of course, not to be confused with hate crimes. Hate crime legislation imposes a penalty enhancement in the instance a victim is selected because of his or her “race, religion, color, disability, sexual orientation, national origin or ancestry,”36 though the legality, efficacy and morality of such impositions are a discussion all of their own. Essentially, a person can legally eject a racist tirade, but cannot attack another on the basis of race or a smattering of other qualities. A convicted suspect may, for instance, receive a higher penalty for a crime committed against another while uttering epithets regarding that person’s physical or mental makeup. Perhaps surprisingly, the United States is virtually alone among Western democracies in abstaining from holding or enforcing laws prohibiting hate speech.37 For example, German law punishes expression that incites racial hatred,38 and the Canadian Supreme Court has upheld prohibitions on hate speech directed against groups who have faced “historical and social prejudice.”39 Historically, there have been only five cases under which the U.S. courts are willing to restrict speech: obscenity; libel; time, place and manner regulations; the clear and present danger test;40 and fighting words.41 Hate speech is closely connected to the Supreme Court’s category of fighting words – those expressions that by their very nature are likely to bring people to blows – but the two are not completely analogous. Under the 1969 Supreme Court case Brandenburg v. Ohio, direct incitement imminent of lawless action or speech likely to do so was found unconstitutional rather than mere advocacy of violence.42

#### Impacts:

#### A. Topic Lit: since this is the theme, it has the deepest body of literature. For a long topic like Jan/Feb it’s better to access a deep lit base – keeps the topic fresh and motivates research without massively expanding the number of new affs that don’t get discussed.

#### B. Real World Education: It would be genuinely absurd to tell someone outside debate we discussed speech restrictions on college campuses and didn’t discuss hate speech. This is the most important part of the topic and teaching debaters without discussing it leads to debates that have no real world value and debaters who are entirely miseducated.

#### C. Neg Ground: this is THE central justification in the lit for those policies – excluding it means I don’t get access to the arguments that are made against speech codes – “speech hurts” is the only real neg arg. Ground key to fairness – I need to be able to make arguments to win.

#### 2. Accuracy – Volokh is a respected constitutional professor qualified to speak to these issues and citing specific court decisions. This is not a controversial or unsettled point of First Amendment doctrine, which means you shouldn’t give them credit.

#### And, semantic correctness is lexically prior to other offense on T – jurisdiction: ballot asks you who won in the context of the topic that the tournament rules proscribe, so you have a constitutive obligation. This also means arguments about disclosure or topic lit on their specific plan are irrelevant – T sets a vision of the topic, not just whether specific affs are beatable. Their offense demonstrates that the topic itself *could be better* not what it means.

#### Semantics also turn pragmatic offense: the text of the resolution is the only thing that we have access to in the context of the topic. It frames our prep and makes the topic accessible to everyone.

## Frontlines

### AT Alt Constitutional Paradigm

#### T should be determined by court decisions – the neg should not need to win a constitutional paradigm:

#### 1. Defer to simplicity: more moving pieces means more unintended interactions that could have theoretical implications that make debate worse AND the less accessible it is to everyone – it makes the learning curve even steeper with topic-specific theory issues that aren’t even useful on future topics. This is both a disad to their interp and a framing issue that means you should vote neg as long as this debate is at all close.

#### 2. Topic Lit: far more lit talks about real decisions than speculative modifications, and those that talk about the latter are split into their own pet theories. Only I preserve a deep lit base – cross apply the weighing for that then the shell. IMAGINE IF THE WHOLE TOPIC WAS FIVE MONTHS OF THEIR PET CONSTITUTIONAL THEORY. Competing interps means this disad is massive educationally since they need to defend this as a vision of the topic.

#### 3. Real World: learning the tradeoff that’s happening now is much more educational and relevant in the real world.

#### 4. Stare Decisis – preserving settled caselaw and not revisiting old decisions – is also a constitutional paradigm that I’ll advocate. Choosing which paradigm should center the topic is a question of external offense on T, which my other responses and the shell offense prove I’m winning.

### AT Debate Constitutional Paradigms

#### T should be determined by court decisions – the neg should not need to win a constitutional paradigm:

#### 1. Defer to simplicity: more moving pieces means more unintended interactions that could have theoretical implications that make debate worse AND the less accessible it is to everyone – it makes the learning curve even steeper with topic-specific theory issues that aren’t even useful on future topics. This is a framing issue that means you should vote neg if the debate is close.

#### 2. Reciprocity: Welch proves I need to access hate speech ground so a constitutional paradigm that denies access to it is functionally a NIB – I need to beat it back and then win that my hate speech offense is relevant.

#### 3. Resolvability: their interp means T changes based on substantive arguments – makes it impossible to resolve offense and determine what the aff advocacy is in a round where these issues are contested. It’s especially irresolvable because judges use strength of link weighing, but you need to know the advocacy first. This is an independent voter that outweighs – the judge’s constitutive obligation is to declare a winner.

#### 4. Since you need to spend time winning framework and offense TOO, this makes constitutional interpretation like four minutes of the round – not enough time to learn anything meaningful. No offense for them

#### 5. Education Tradeoff: time spent on those paradigms isn’t spent discussing topical issues – you know how bad debates are when people are spread too thin to do weighing and argument interaction on multiple layers. This exacerbates that.

#### 6. Stable Prep: Their interp forces the neg to prep turns under every different paradigm and it’s unclear what applies in a given round. Especially bad because the aff can pick one paradigm and frontline it, so the neg needs to be prepared to engage, but they can’t focus on it during prep.

# Uniformity

## Strat Note

#### Not sure where this would be particularly useful – there’s some chance that the Newspapers Aff violates it (bc Hazelwood is a 7th circuit decision) but I haven’t looked into it.

#### Mainly here because I have an analogous version in the updated neg file.

## 1NC

#### Interpretation: all categories of speech isolated in the advocacies of either debater must be subject ot unform levels of constitutional protection throughout the entire United States. That is, if some courts think it’s constitutionally protected and others don’t, it’s neither of our ground.

#### Violation:

#### 1. Resolvability: when the different courts rule differently without a clear SCOTUS ruling resolving it’s application it’s not clear whose ground it is – if it’s constitutionally protected, then the aff can protect it and the neg can indict it, but if it’s not then either side can nonunique it and moot all the offense. There’s no mechanism for figuring out who gets it when courts have ruled differently. Resolvability is an independent voter that comes prior to all other voters because values in debate like fairness and education cannot be upheld by the judge if they have no way to make a coherent decision.

#### 2. Limits: there’s there are hundreds of courts and jurists that can all make decisions – under their interp, they just need to find one with an unorthodox interp, which massively magnifies the number of positions I need to be prepped on – since those decisions can be idiosyncratic and checked later, there’s also less likely literature and less liklihood that those decisions are even defensible – this structurally creates too many positions that don’t work.

#### 3. Topic Education: without SCOTUS precedent, these areas are unsettled as legal questions – that means the literature doesn’t have a clear baseline.

#### A. Makes our discussion vacuous: we have to argue foundational questions that we’re not prepared for since it’s not the core topic.

#### B. Overcomplicates: place-by-place application creates a complex patchwork where different conditions in different places lead to different outcomes. There’s just not enough speech time to do a good job with this – we should prefer restrictions that leave you clear places to do relatively in-depth analysis of the policy: debate uses simplifying assumptions like “normal means” to make that possible – this is no different.

# Inherency

## Strategic Note

#### I think this shell is only going to be useful against generally kritikal affs that are just like “don’t restrict anti-oppressive speech”

#### If you read this and then a hate speech argument, you can use the FIRE cards scattered around as evidence that you meet, should it be an issue

## 1NC

#### Interpretation: the aff may only read an an advocacy that elimate restrictions on particular kinds of speech if speech restrictions in that category exist now – they may not fiat a ban on restrictions on speech that aren’t currently restricted.

#### Violation: they can’t identify a single restriction that the plan would overturn.

#### First is limits: most speech is constitutionally protected and most speech is uncontroversial – this creates an infinite number of plans that don’t link to genmeric disads because there’s no reason anyone would think of banning them – makes it impossible for me to prep since they can avoid links to the few neg positions that people actually defend and require specific case negs. Inherency is a critical check that thins the fields of possible affs.

#### Controls the internal link to advocacy skills: equal, reciprocal prep ensures that people learn to defend what they say and have to engage arguments instead of evading them.

#### Second is neg ground:

#### A. Without inherency the plan desn’t change anything which wrecks disad ground and denies me access to core neg positions. This is outweighs on this topic because all affs here try to restrict bad kinds of speech – my ground is unintended consequences, and the plan needs to have consequences

#### B. Inherency ensures that they pick a relatively converversial advocacy – the fact that it’s the squo means at least someone thought it was a good idea – it’s a check on unpredictable and entirely uncontroversial affs. It doesn’t matter if I could predict what they said if the arguments just don’t exist to answer it.

#### Third is research burdens: if the aff defends the squo, neg needs a specific CP to each aff, since there isn’t a default neg advocacy and I’m vunerable to solvency advocate theory if I make something up or read a generic. Makes it impossible to vote neg since I can lose simply for not having predicted the aff, even if it’s nonsense.

## Frontlines

### AT Disclosure

#### 1. Doeesn’t solve – the question is how many possible affs should the neg have to prep for – we don’t just have to think about your non-inherent policy option, but all the other possible non-inherent ones:

#### 2. Extend the B point in neg ground: the question is still “are there responses,” inherency ensures that there are actually things to say, whereas knowing that an uncontroversial aff is coming still doesn’t make it fair – there just aren’t equally good things to say on both sides every possible topic.

# Spec Constitutional Paradigm

## 1NC

#### Interpretation: on the 2017 Jan-Feb topic, the aff must specify a particular paradigm for determining what constitutes constitutionally protected speech in the AC. There are a bunch of different options.

Gehl 13 clarifies Dyer, C.E., and Robert Gehl. "Principles of Constitutional Interpretation."*The Federalist Papers*. N.p., 14 Feb. 2013. Web. 12 Jan. 2017.

Most legal scholars recognize six main *methods* of interpretation: *textual, historical, functional, doctrinal, prudential, equitable,* and *natural*, although they may differ on what each includes, and there is some overlap among them Textual: Decision based on the actual words of the written law, if the meaning of the words is unambiguous. Since a law is a command, then it must mean what it meant to the lawgiver, and if the meaning of the words used in it have changed since it was issued, then textual analysis must be of the words as understood by the lawgiver, which for a constitution would be the understanding of the ratifying convention or, if that is unclear, of the drafters. Some Latin maxims: *A verbis legis non est recedendum.* From the words of the law there is not any departure. 5 Coke 118. *Noscitur à sociis.* Meaning of words may be ascertained by associated words. 3 T.R. 87. Historical: Decision based less on the actual words than on the understanding revealed by analysis of the history of the drafting and ratification of the law, for constitutions and statutes, sometimes called its legislative history, and for judicial edicts, the case history. A textual analysis for words whose meanings have changed therefore overlaps historical analysis. It arises out of such Latin maxims as *Animus hominis est anima scripti.* Intention is the soul of an instrument. 3 Bulst. 67. Functional. Also called *structural*. Decision based on analysis of the structures the law constituted and how they are apparently intended to function as a coherent, harmonious system. A Latin maxim is *Nemo aliquam partem recte intelligere potest antequam totum perlegit.* No one can properly understand a part until he has read the whole. 3 Coke Rep. 59. Doctrinal: Decision based on prevailing practices or opinions of legal professionals, mainly legislative, executive, or judicial *precedents*, according to the meta-doctrine of stare decisis, which treats the principles according to which court decisions have been made as not merely *advisory* but as *normative*. Some Latin maxims are: *Argumentum à simili valet in lege.* An argument from a like case avails in law. Coke, Littleton, 191. *Consuetudo et communis assuetudo . . . interpretatur legem scriptam, si lex sit generalis.* Custom and common usage . . . interpret the written law, if it be general. Jenk. Cent. 273. *Cursus curiæ est lex curiæ.* The practice of the court is the law of the court. 3 Buls. 53. *Judiciis posterioribus fides est adhibenda.* Credit is to be given to the latest decisions. 13 Coke 14. *Res judicata pro veritate accipitur.* A thing adjudicated is received as true. Coke, Littleton, 103 Prudential: Decision based on factors external to the law or interests of the parties in the case, such as the convenience of overburdened officials, efficiency of governmental operations, avoidance of stimulating more cases, or response to political pressure. One such consideration, avoidance of disturbing a stable body of practices, is also the main motivation for the doctrinal method. It also includes such considerations as whether a case is “ripe” for decision, or whether lesser or administrative remedies have first been exhausted. A Latin maxim is *Boni judicis est lites dirimere.* The duty of a good judge is to prevent litigation. 4 Coke 15. Equitable: Also called *ethical*. Decision based on an innate sense of justice, balancing the interests of the parties, and what is right and wrong, regardless of what the written law might provide. Often resorted to in cases in which the facts were not adequately anticipated or provided for by the lawgivers. Some scholars put various balancing tests of interests and values in the prudential category, but it works better to distinguish between *prudential* as balancing the interests and values of the legal system from *equitable* as balancing the interests and values of the parties. It arises out of the Latin maxim, *Æquitas est perfecta quædam ratio quæ jus scriptum interpretatur et emendat; nulla scriptura comprehensa, sed sola ratione consistens.* Equity is a sort of perfect reason which interprets and amends written law; comprehended in no code, but consistent with reason alone. Coke, Littleton, 24. Natural. Decision based on what is required or advised by the laws of nature, or perhaps of human nature, and on what is physically or economically possible or practical, or on what is actually likely to occur. This has its origin in such ancient Latin maxims as: *Jura naturæ sunt immutabilia.* The laws of nature are unchangeable. Jacob. 63. *Impossibilium nulla obligatio est.* There is no obligation to do impossible things. D. 50, 17, 185. *Lex non cogit ad impossibilia.* The law does not compel the impossible. Hob. 96. *Lex neminem cogit ad vana seu inutilia peragenda.* The law requires no one to do vain or useless things. 5 Coke 21. *Legibus sumptis desinentibus, lege naturæ utendum est.* Laws of the state failing, we must act by the law of nature. 2 Rol. Rep. 98.

#### Violation: they don’t specify

#### Standards:

#### 1. their interp enables aff conditionality – since their advocacy is about “constitutionally protected speech” they can change what that means in later speeches or read evidence from different traditions that’s most favorable to access their offense and avoid mine. Impacts:

#### A. Strat Skew: the aff gets to be no-link disads and decide what they aff means after I’ve committed to a strategy – I force a stable locus point that the debate can be about. Speccing solves because it’s a stable basis I can hold them to. Strat is key to fairness and outweighs other fairness standards because being able to form coherent strategy is a prerequisite to gaining access to other layers of the debate even if they are otherwise reciprocal.

#### B. without being held to a paradigm they can read different cards from different traditions to justify whatever combination they want, which is is incoherent since traditions reach different conclusions in incompatible ways and miseducates us about what they do..

#### B. Resolvability: not speccing makes it impossible to resolve – if we’re winning given different conceptions of what the aff means, there’s no non-arbitrary way to make a decision: the resolution is simulatenously true or false based on those assumptions – the aff needs to set a stable stasis point by deciding what the words “constitutionally protected” in their advocacy actually mean. Resolvability is an independent voter that comes prior to all other voters because values in debate like fairness and education cannot be upheld by the judge if they have no way to make a coherent decision.

## Frontlines

### AT CX Checks

#### 1. An NC advocacy text is better because we can hold you to it, whereas the details of a CX exchange aren’t memorized by everyone – the ability to call for the text is a net benefit

#### 2. Clarification in the aff takes seconds, a CX exchange creates the opportunity for evasion that takes multiple minutes a lot of the time as people ask for clarification and otherwise stall.

#### 3. Nonunique: we can do both – as long as I win some risk of a benefit, you should have.

#### 4. CX is for remedying any flaw with your aff – you should make it clear what your advocacy does – their interp justifies an advocacy text of “Plan: do something” that expects CX clarification

### AT All Paradigms = Better Ground

#### 1. Paradigms contradict, which means it’s impossible to accept all of them since they all have a different set of boundaries. Their counterinterp makes debate incoherent, which is a reason they should lose per the resolvability weighing.

#### 2. Worse education: it makes debate about a vision of the topic that no one thinks is true – picking a paradigm for what the aff means ensures a stable locus that’s coherent and grounded in the topic literature.

### AT Up for Debate

#### No, the aff should just explain what their aff means – we shouldn’t be recontextualizing it any more than we should have been redefining the word “handgun” in people’s plan texts last year:

#### 1. Defer to simplicity: more moving pieces means more unintended interactions that could have theoretical implications that make debate worse AND the less accessible it is to everyone – it makes the learning curve even steeper with topic-specific theory issues that aren’t even useful on future topics. This is both a disad to their interp and a framing issue that means you should vote neg as long as this debate is at all close.

#### 2. Since you need to spend time winning framework and offense TOO, this makes constitutional interpretation like four minutes of the round – not enough time to learn anything meaningful. No offense for them

#### 3. Education Tradeoff: time spent on those paradigms isn’t spent discussing topical issues – you know how bad debates are when people are spread too thin to do weighing and argument interaction on multiple layers. This exacerbates that.

# Which types

A: Interpretation: On the 2017 Jan/ Feb topic, the aff must specify what aspects of free speech are restricted and which are not restricted in the aff world in a delineated text in the AC

B: Violation: You don’t specify what should be restricted, just a general idea that free speech is good.

C: Reasons to prefer:

Topic lit- core of the discussion is a middle ground, not absolute restriction or protection. **Flaherty 16,** https://www.insidehighered.com/news/2016/10/18/writers-group-seeks-middle-ground-campus-speech**The debate thus far has engendered** passionate **arguments from both sides**; the Foundation for Individual Rights in Education and the American Association of University Professors, for example, have argued that universities’ i**nterpretations** of federal legislation against gender discrimination **at times threaten academic freedom**. **Groups** including Faculty Against Rape, **meanwhile**, have pushed back, **say**ing **such arguments pit faculty interests against students’**, with negative implications for educational access. Many academics have criticized the direction of student protests over campus diversity concerns, as well; **others** say such critiques **represent a desire** to maintain the racial status quo. So where does PEN stand? **Somewhere in the middle**. The organization offered up this week a nuanced, moderate 102-page report called “And Campus for All: Diversity, Inclusion and Free Speech at U.S. Universities,” including guiding principles for academic free speech. It’s probably the most comprehensive index to date of recent campus free speech controversies and varied responses to them from academic groups and individuals. For that reason alone, it’s likely to become required reading for those engaged in campus speech policy discussions. But its **guiding principles** are noteworthy, too, in that they **don’t put free speech and respectful**, inclusive **discourse at odds**. They also call for more peer-based education efforts for students about the value of free speech. “Liberal to left-leaning organizations that are active on campus should consider integrating free speech awareness into their agendas,” the report says. “Free speech organizations of all political persuasions should direct energy toward campuses, positioning free expression as a value that transcends politics and ideology. Institutions and funders that believe in this cause should invest in the next generation by underwriting grants for projects that build awareness and appreciation for free speech on campus.” PEN ultimately concludes that there is not -- as has been repeatedly suggested -- a “‘crisis’ for free speech on campus”… Other studies are those on student protests at Yale University in response to a residential college official's email suggesting that students can police their own Halloween costumes for cultural insensitivity, and the confrontations over Israeli-Palestinian activism (namely the boycott, divestment and sanctions movement against Israel) at the University of California, Los Angeles. Largely refraining from judgment on those cases and others, PEN outlines various points of view, from those who are concerned about limitations of free speech and others who see such limitations as part of a great fight for equality. It says that social media can both spread and sensationalize conflicts, and that the following trends may be contributing to a free speech problem, or at least perceptions thereof: increased reliance on part-time faculty members, most of whom can be fired at will and lack academic freedom; economic pressures that lead universities to treat students like “consumers”; and fund-raising pressures that may influence administrative decision making in high-profile free speech cases. While notable for its comprehensiveness, the heart of PEN’s report is its guiding principles for campus speech. Its says that dialogues, debates and efforts at greater inclusion “taking place on many campuses have the potential to help root out entrenched biases that have impeded the participation of members of marginalized groups,” and that, at times, “protests and forms of expression are treated as if they are incursions on free speech when they are manifestations of free speech.” In reality, it says, free expression “should be recognized as a principle that will overwhelmingly serve not to exclude or marginalize minority voices, but rather to amplify them.” It’s on university administrations to look hard at how physical barriers, historical traditions, inequalities, prejudices and power dynamics can inhibit campus and classroom “openness” and take steps to change them, the report says, and campus discourse “should be predicated on the presumption of respect for differences, including differences of view that cause disagreement.” **Respect entails an “obligation to understand what may cause offense and why, and to avoid such words and actions even if no offense is intended**,” it says, and while violence and threats “are never appropriate, vociferous, adamant and even disrespectful argument and protest have their place.” Moreover, it says, an environment where “too many offenses are considered impermissible or even punishable becomes sterile, constraining and inimical to creativity.” Regarding speech and sexual harassment, PEN says that **there is no contradiction between “advocating for more stringent measures to address** sexual **harassment and assault on campus and insisting on measures to protect free speech** and academic freedom.” At the same time, it calls on the Education Department’s Office for Civil Rights -- whose 2011 Dear Colleague letter saying sexual assault and harassment should be part of how colleges and universities enforce Title IX led to unprecedented attention to the issue of campus rape -- should clarify that its “hostile environment” standard for sexual harassment “cannot be determined solely on the basis of subjective perceptions that speech is offensive.”

Topic lit is an independent voter- There’s a reason we’re debating the topic, it’s a constitutive rule of the round which means it is functionally another function of textuality which means you have no jurisdiction to vote on it. Also controls the internal link to fairness and education because if it’s in the topic lit you should’ve prepped it and we should talk probably about it. Generic plans bad arguments don’t turn the shell- Flaherty proves they are specifically good on this topic.

Drop the debater on T 1. Drop the arg is severance from the position of the 1AC-you can just read new arguments in the 1AR or connect parts of the aff to whole res which is equivalent to kicking the aff and reading a new plan in the 1AR-skews my strat since I don’t know what you’ll argue for. 2. Drop the arg discourages the neg from reading T to check back abusive affs since they will lose the portion of the 1nc they spent arguing T, making it more strategic to let the aff get away with their non-topical affs which kills fairness and education since affs will get away with sketchy positions. 3. T has to be drop the debater because they necessarily haven’t fulfilled their constitutive burden

No RVIs. 1. Illogical. Just because you are fair doesn’t mean you should win. If that were true, both debaters would win rounds without theory, which would be irresolvable, and resolvability comes first since every debate needs a winner. 2. Chilling effect. Either I read theory and you beat me with your 4 minute prep out or I don’t read theory and abusive practices prevail-both kill fairness. 3. Topical clash. RVIs kill substantive debate. Once theory is initiated we can never go back to substance, because it’s unnecessary so nobody will engage in the topic.

Competing interps since 1. Any brightline is arbitrary and bites judge intervention 2. Reasonability causes a race to the bottom to see who can be the most abusive under the given brightline 3. Competing interps forces a race to the top-an offense defense paradigm fosters good norms for the activity.

1. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-1)